

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

ATTACHMENT J

June 30, 2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 159 of House Bill No. 4800, "An Act Making Appropriations for the Fiscal Year 2011 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 159 dedicates possible federal TANF funding to a particular nursing facility Medicaid rate increase. If these TANF funds arrive from the federal government, I am willing to consider using these funds for some nursing facility rate increase, but I also wish them to be available for other important purposes, especially including paying for further extension of the Commonwealth Care Bridge program to pay health costs for the Aliens with Special Status population.

Section 136 presents a related issue. It continues to prohibit the Aliens with Special Status population from enrolling in the Commonwealth Care program and re-authorizes spending for a separate Commonwealth Care Bridge program if enhanced FMAP funds are received. I am approving this section today to allow the Commonwealth Care Bridge program to continue, but I believe that it eliminates this program too quickly. I propose using other funds to extend this program until at least December 31, 2010 or for a longer

time if funding is available. If additional federal TANF monies have been received, they should be used to help extend the program through the remainder of the fiscal year, until June 30, 2011.

For these reasons, I recommend that Section 159 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 159. (A) Notwithstanding any general or special law to the contrary, if the secretary of administration and finance certifies in writing to the comptroller that the commonwealth has received enhanced TANF contingency funds during fiscal year 2011, the comptroller shall transfer funds to the Commonwealth Care Trust Fund as directed by the secretary to support the Commonwealth Care Bridge program through the end of fiscal year 2011. The balance of any such TANF funds shall be available, subject to appropriation, for other public purposes including cash assistance grants, home care services, community residences for disabled persons, supplemental nursing facility Medicaid rates, and Medicaid rates for providers.

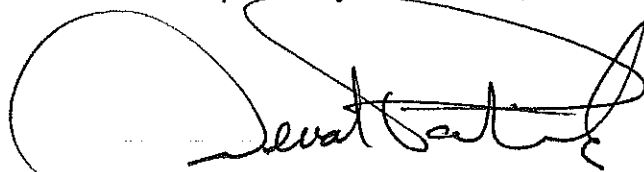
(B) The general appropriation act for fiscal year 2011 is hereby amended by striking out section 136 and inserting in place thereof the following section:-

Section 136. (a) Notwithstanding any general or special law to the contrary and except as provided in subsection (b), an eligible individual pursuant to section 3 of chapter 118H of the General Laws shall not include a person who is not eligible to receive federally-funded benefits under sections 401, 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, for fiscal year 2011.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority may, in their discretion and subject only to the terms and conditions in this subsection, establish or designate a health insurance plan in which a person who is not eligible to receive federally-funded benefits under said sections 401,

402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, but who is an eligible individual pursuant to said section 3 of said chapter 118H may enroll for the period from July 1, 2010 until December 31, 2010, or for a longer period for which funding is available in the Commonwealth Care Trust Fund to provide such coverage, as determined by the secretary of administration and finance. The plan may be contracted for selectively from the health plans that contracted in fiscal year 2010 to provide insurance coverage to commonwealth care or MassHealth enrollees. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority determine that the projected costs of enrolling eligible individuals in such coverage in fiscal year 2011 will exceed the funds determined to be available by the secretary of administration and finance, they may limit enrollment in such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority are unable to establish or designate a health insurance plan under this section, the secretary of administration and finance may, in his discretion, direct the comptroller to transfer available funds from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund for the cost of health safety net claims for these individuals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Baker", is written over a large, loopy, horizontal line that spans the width of the signature.